

Court of Appeals, State of Michigan

ORDER

People of MI v Daniel George Beecher

Docket No. 357383

LC No. 2021-188233-AR

Mark J. Cavanagh
Presiding Judge

Deborah A. Servitto

Colleen A. O'Brien
Judges

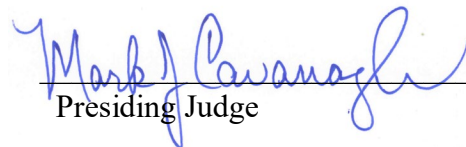
The motion for immediate consideration is GRANTED.

In lieu of granting the application for leave to appeal, the Court orders, pursuant to MCR 7.205(E)(2), that the Oakland Circuit Court's June 1, 2021 order denying the application for leave to appeal the district court's denial to amend its criminal jury trial order is REVERSED. Judicial construction of a court rule is unnecessary where the language of the rule is clear. *People v Howell*, 300 Mich App 638, 644; 834 NW2d 923 (2013) (citation omitted). Pursuant to the plain language of MCR 2.513(N)(3), the court, not the litigants, must provide a copy of the final jury instructions for deliberation in the jury room, and, upon request by a juror, the court, not the litigants, may provide additional copies as necessary. Although a trial court may require counsel to provide the jurors with a reference document or notebook under MCR 2.513(E), that rule does not include the final jury instructions or exhibits; thus, the parties are not obliged to provide ten copies of those items. The case is REMANDED to the district court for further proceedings consistent with this order.

The motion for stay is DENIED as moot.

This order is to have immediate effect, MCR 7.215(F)(2).

The Court retains no further jurisdiction.


Presiding Judge



A true copy entered and certified by Jerome W. Zimmer Jr., Chief Clerk, on

June 16, 2021

Date


Chief Clerk